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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,713

Applicant(s)

NII, NAOAKI

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 29-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-48 are pending in the instant application. Claims 29-48 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Claims 1-28 stand rejected under 35 U.S.C. 103 as being unpatentable over United States Patent 6,457,640 in view of United States Patent 5,973,773.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran U.S. Patent No. 6,457,640 in view of Findley U.S. Patent No. 5,979,773.

Referring to claim 1. Ramachandran discloses a multimedia content delivery system, comprising

- A content provider having a plurality of multimedia files therein (abstract);
- An input device for selecting a multimedia file from the plurality of multimedia files (abstract, "16");
- An output device for selecting a multimedia file from the plurality of multimedia files (abstract, "18"); and
- A first integrated circuit card interface for receipt of a host integrated circuit card containing first authorization information (abstract, "20");

Ramachandran does not expressly disclose a system comprising:

- A second integrated circuit card interface for receipt of a user integrated circuit card containing second authorization information; and

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- A control unit responsive to insertion into said second integrated circuit card interface of a user interface card containing second authorization information compatible with the first authorization information contained in a host integrated circuit card inserted in said first integrated circuit card interface, for actuating said output device to provide the content of a multimedia file selected by said input device.

Findley discloses a system comprising:

- A second integrated circuit card interface for receipt of a user integrated circuit card containing second authorization information (Fig. 1, "A"); and
- A control unit responsive to insertion into said second integrated circuit card interface of a user interface card containing second authorization information compatible with the first authorization information contained in a host integrated circuit card inserted in said first integrated circuit card interface, for actuating said output device to provide the content of a multimedia file selected by said input device (abstract).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Ramachandran to have included the system of Findley in order to provide an electronic data access and retrieval system for accessing and retrieving digital data information securely (Finley: column 5, lines 9-15).

Referring to claim 2. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system comprising a multimedia terminal having said content provider, said first integrated circuit card interface said control unit therein enclosed therein (Fig. 2).

Referring to claims 3-4. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said output device comprises an audio and video output device (column 7, lines 49-59).

Referring to claim 5. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said output device comprises a communication link permitting downloading of the selected multimedia file in electronic form (column 7, lines 49-59).

Referring to claim 6. Ramachandran in view of Finley discloses a system according to claim 5 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said communication link is a wireless communication link (column 4, lines 37-49).

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Referring to claims 7-8. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said input device, said output device, and said control unit comprise a laptop computer and a wireless personal terminal (column 4, lines 37-49).

Referring to claim 9. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said content provider comprises a server (Fig. 1).

Referring to claim 10. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said content provider further comprises a mainframe computer coupled to said server (Fig. 1)

Referring to claim 11. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system comprising a server connected to said content provider (Fig. 1).

Referring to claim 12. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system comprising a mainframe computer connected to said server (Fig. 1).

Referring to claims 13-14. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said multimedia files comprise audio and video media (abstract).

Referring to claims 15-18. Ramachandran in view of Finley discloses a system according to claim 1 as indicated supra. Ramachandran further discloses a multimedia content delivery system wherein said video media comprises text, books, newspapers and games (column 6, lines 53-62).

Referring to claim 19. Claim 19 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 20. Claim 20 is rejected under the same rationale as set forth above in claim 1 and 2.

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 3.

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claim 5.

Referring to claim 24. Claim 24 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 25. Claim 25 is rejected under the same rationale as set forth above in claim 1 and 2.

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Referring to claim 26. Claim 26 is rejected under the same rationale as set forth above in claim 3.

Referring to claim 27. Claim 27 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 28. Claim 28 is rejected under the same rationale as set forth above in claim 5.

Response to Arguments

Applicant's arguments filed April 14, 2004 have been fully considered but they are not persuasive.

The Applicant argues that, "Nowhere in the system of the '640 Patent or the '773 Patent is there any disclosure corresponding to the function of the control unit. Specifically, the control unit is recited in claim 1 as being responsive to insertion into said second integrated card interface of a user interface card containing second authorization information compatible with first authorization information contained in a host integrated circuit card in said first integrated circuit card interface, for actuating said output device to provide the content of a multimedia file selected by said input device."

The Examiner notes, the '773 patent discloses that the function of the control unit is to provide electronic data access and retrieval, for accessing digital data information by authorized operator/officials of a secured access facility ('773, column 5, lines 10-15).

The system and process of the '773 patent is equivalent to the system and process of the instant application, whereby a first card is encoded with digital data fields representative of predetermined information and a second card includes authorization codes for enabling retrieval of selected information ('773, column 5, lines 16-22).

In the case of the '773 patent the selected information resides on the first card. Page 5 of the instant invention's original specification defines a content provider as possibly a personal computer, a notebook computer, a wireless personal terminal, or any other processor system having sufficient memory. In the case of the '773 patent the content provider is the first smart card itself whereby the first smart card contains a memory and an integrated circuit chip. An accepted industry-wide definition of a "smart card" is a credit card size device/component containing an embedded microprocessor chip that stores information for retrieval, which information has previously been written therein. In the '773 patent, the ACCESS card A is the key to writing and reading all information stored in the IDENTITY card B.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to the Attorneys arguments concerning dependent claims 2-17, dependent claims 20-23 and dependent claims 25-28, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

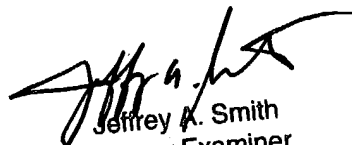
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May 10, 2004



Jeffrey A. Smith
Primary Examiner